

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: MEDERER4

In re Application of:)	Confirmation No.:
)	
Herbert MEDERER)	Art Unit:
)	
Appln. No.: Not yet assigned)	Examiner:
)	
Filed: January 23, 2004)	Washington, D.C.
)	
For: SWEET)	January 23, 2004
)	
)	

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop DD
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir :

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 CFR §1.97, as it is filed within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-

identified international application; and before the mailing date of a first Office action on the merits or before the mailing of a first Office action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., Form PTO/SB/08A) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached.

3. Document(s) AA-AC is (are) not in the English language. In accordance with §1.98(c), Applicant(s) states:

[X] An English translation of each document AA (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.

[X] A concise explanation of the relevance of document(s) AA-AC is found in the attached German search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

4. In accordance with 37 CFR §§1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in

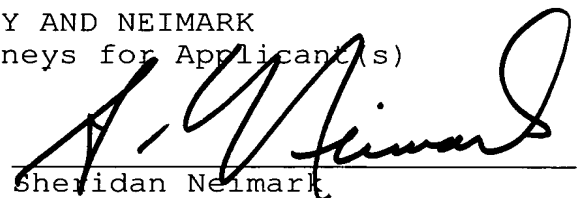
In re MEDERER4

§1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant(s) reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	Not yet assigned
				Filing Date	January 23, 2004
				First Named Inventor	Herbert MEDERER
				Group Art Unit	
				Examiner Name	
Sheet	1	of	1	Attorney Docket Number	MEDERER4

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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	AB	Nestle Erzeugnisse GmbH Presseinformation, Fruity Smarties, October 2002, webpage: www.Suesse-seiten.de/download/presse/8_FruitySmarties.pdf	
	AC	Schoko-Dragee GmbH: Lose Ware, 2002, webpage: www.rheder-dragees.de/html/lose_ware/joghurt_schoko_fruechte.htm	

Examiner Signature		Date Considered	
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.